

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

IN RE:

Case No.6:18-bk03815-CCJ

JERONIMO LOPEZ,

Chapter 13

Debtor.

_____ /

**WELLS FARGO BANK, NA, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF
STRUCTURED ASSET MORTGAGE INVESTMENTS II, INC., BEAR STEARNS
MORTGAGE FUNDING, TRUST 2007-AR3, MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2007-AR3'S
OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Wells Fargo Bank, NA, as Trustee, on behalf of the holders of Structured Asset Mortgage Investments II, Inc., Bear Stearns Mortgage Funding, Trust 2007-AR3, Mortgage Pass Through Certificates, Series 2007-AR3 ("Secured Creditor"), by and through undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan*, and in support thereof states as follows:

1. On June 25, 2018, Jeronimo Lopez ("Debtor") commenced this bankruptcy case by filing a petition for relief under Chapter 13 of the United States Bankruptcy Code [D.E. #1].

2. Secured Creditor holds a security interest in Debtor's real property located at 2466 Ginger Mill Blvd Orlando, FL 32837 (the "Property"), by virtue of a Mortgage which is recorded in Official Records Book 08993, at Page 1770, of the Public Records of Orange County, Florida. The Mortgage secures a Note in the amount of \$190,400.00.

3. Secured Creditor intends to file a Proof of claim in this case, in the approximate principal balance amount of \$245,371.66 with arrears in the amount of \$29,916.00.

4. According to the *Chapter 13 Plan* [D.E. #2] (the "Plan"), Debtor proposes to pursue a loan modification agreement via the Mortgage Modification Mediation ("MMM")

Program. The Debtor, however, has yet to file a Motion seeking a referral to the MMM program. The Debtor cannot modify the subject loan documents solely through plan treatment. Secured Creditor disputes that its lien may be modified, and objects to any plan which proposes to do so without a judicial determination and approval of any modification offered upon completion of a modification review, if the MMM motion is appropriately filed.

5. In the event that mediation is unsuccessful, or Debtor fails to seek a referral to the mediation program, then the Plan should be amended to provide for the regular monthly payment which is due on the subject Mortgage, together with a cure of the prepetition arrears through plan payments of up to 60 months. Furthermore, the monthly payment is subject to periodic adjustments for escrow and/or for variable interest rates and, therefore, must be amended during the pendency of the plan in accordance with the loan documents.

6. Secured Creditor reserves the right to supplement this Objection at or prior to any hearing set to consider the same.

WHEREFORE, Secured Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Secured Creditor as stated herein.

Respectfully Submitted:

/s/ Rachel L. Ahlum

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing *Objection to Confirmation* was served electronically or via U.S. Mail, first-class postage prepaid, to:

DEBTOR

Jeronimo Lopez
2466 Ginger Mill Blvd.
Orlando, FL 32837

DEBTOR'S ATTORNEY

Alejandro Rivera, P.A.
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Kissimmee, FL 34741-4000
Rivera@riveraatlaw.com

TRUSTEE

(via electronic notice)

Laurie K Weatherford
Post Office Box 3450
Winter Park, FL 32790
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UNITED STATES TRUSTEE

(via electronic notice)

Office of the United States Trustee
George C Young Federal Building
400 West Washington Street, Suite 1100
Orlando, FL 32801
USTP.Region21.OR.ECF@usdoj.gov

Dated: July 16, 2018

/s/ Rachel L. Ahlum

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